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Thomas J. Harris (0065946)
Assistant City Solicitor

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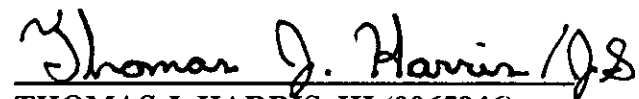
**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ANTONIO MOORE, : CASE NO. C-1-02-430
Plaintiff, : Judge Weber
vs. :
KROGER COMPANY, et al. : **NOTICE OF APPEAL**
Defendants. :

Notice is given that Defendants Marcus McNeil, Michael Schulte and Dale Bley appeal to the United States Court of Appeals for the Sixth Circuit from the Order of the United States District Court for the Southern District of Ohio Granting in Part and Denying in Part the Defendants' Motion for Summary entered in this case on July 8, 2004 (Docket No. 32) and attached to this Notice.

Respectfully submitted,

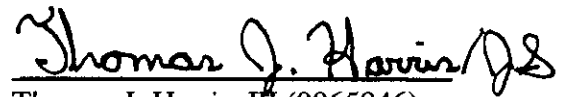
JULIA L. McNEIL (0043535)
City Solicitor



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CERTIFICATE OF SERVICE

I hereby certify that on July 30, 2004, I filed the foregoing with the Clerk of the Court and I hereby certify that I have mailed by United States Postal Service the document to the following counsel of record: Fanon A. Rucker, counsel for plaintiff, at Santen & Hughes 312 Walnut Street, Suite 3100, Cincinnati, Ohio 45202 , to Robert E. Manley, Co-Counsel for Plaintiff, at Manley, Burke, Lipton & Cook, 225 West Court Street, Cincinnati, Ohio 45202 and to Lawrence E. Barbieri, counsel for Defendant Kroger Company, at Schroeder, Mundrell, Barbieri & Powers, at 11935 Mason Road, Suite 110, Cincinnati, Ohio 45249 and to Donald E. Hardin, special counsel for police defendants, at Hardin, Lefton, Lazarus & Marks, 915 Cincinnati Club Building, 30 Garfield Place, Cincinnati, Ohio 45202.

A handwritten signature in black ink, reading "Thomas J. Harris, III" followed by a stylized flourish.

Thomas J. Harris, III (0065946)
Assistant City Solicitor